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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendant
JOHN J. HOLLENBACK, JR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT

MELVIN JONES, JR.,

Plaintiff,

v.

JOHN J. HOLLENBACK, JR.,

Defendant.

Case No. 1: 05 CV 0148 OWW DLB

**EX PARTE APPLICATION FOR AN
ORDER REGARDING VIDEOTAPING
PLAINTIFF'S DEPOSITION**

COMES NOW, Defendant JOHN J. HOLLENBACK, JR., with this *Ex Parte* Application for an Order regarding the videotaping of the February 26, 2007 deposition of Plaintiff, MELVIN JONES, JR. in the above-captioned matter.

As the Court is aware the deposition of MR. JONES is scheduled to take place on February 26, 2007 at a 6th floor conference room in the Eastern District Courthouse. At this time, it is Defendant's intent to videotape said deposition. In order to allow the videographer and his or her equipment into the Courthouse and to thereafter videotape Plaintiff's February 26, 2007 deposition, Defendant seeks an Order from the Court allowing for this.

The precise name of the individual and/or company is yet unknown. However, it will be a certified/licensed videographer from a local Fresno firm. In addition, Defendant does reserve his right to later elect not to videotape Plaintiff's February 26, 2007 deposition.

Nonetheless, Defendant seeks an Order from this Court allowing Defendant to videotape

1 the February 26, 2007 deposition of Plaintiff and to allow the videographer and his or her
2 equipment into the Courthouse on the morning of the 26th of February in order to accomplish this
3 task.

4 Respectfully submitted,

5 Dated: February 7, 2007

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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8 By: /s/ Daniel L. Wainwright
Daniel L. Wainwright
9 Attorneys for Defendant
JOHN J. HOLLENBACK, JR.
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**ORDER OF THE COURT REGARDING VIDEOTAPING PLAINTIFF'S
FEBRUARY 26, 2007 DEPOSITION**

Defendant has noticed the deposition of Plaintiff, MELVIN JONES, JR. which is scheduled to commence on the morning of February 26, 2007 in a 6th floor conference room of the United States Courthouse at 2500 Tulare Street, Fresno, CA.

IT IS HEREBY ORDERED that the videographer and his/her necessary equipment to accomplish the videotaping of Plaintiff's deposition be permitted into the Eastern District Courthouse on the morning of February 26, 2007 in order to accomplish the limited purpose of videotaping Plaintiff's deposition.

DATED: February 7, 2007

/s/ Dennis L. Beck
THE HONORABLE DENNIS L. BECK
MAGISTRATE OF THE EASTERN DISTRICT
COURT

37003/00000-1059921.v1

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On February 7, 2007, I served the within documents:

EX PARTE APPLICATION FOR AN ORDER REGARDING VIDEOTAPING PLAINTIFF'S DEPOSITION

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.
- ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document has been served.

Melvin Jones, Jr.
P.O. Box 579392
Modesto, CA 95357

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 7, 2007, at Fresno, California.

/s/ Nancy Stevens
Nancy Stevens